

ADR Docketing Statement¹

A. Case Number: WA:10-CV-00156-WSS

B. Case Name: DENTISTRY OF BROWNSVILLE, P.C. dba KOOL SMILES
v. DR. MATHEW BERG, OCEAN DENTAL CORPORATE OFFICE, INC., OCEAN
DENTAL FOUNDATION, OCEAN DENTAL, P.C., OCEAN DENTAL OF TEXAS, P.C. and
OCEAN DENTAL, CHAD HOEKER, DDS, P.C.

C. Attorney (or party, if Pro Se) filing evaluation form:

Name: John P. Palmer

Firm: Naman, Howell, Smith & Lee, PLLC

Address: P.O. Box 1470, Waco, Texas 76703

Client: DENTISTRY OF BROWNSVILLE, P.C. dba KOOL SMILES

Telephone: 254-755-4100 Fax: 254-754-6331

D. Nature of Relief Sought (check all that apply):

1. ☒ Injunctive Relief
2. ☒ Damages – Amount In excess of the minimum jurisdiction of the Court
3. ☐ Declaratory Relief (describe):
4. ☒ Attorney Fees – Amount: Unknown at this time
5. ☐ Other:

E. Brief Description of Nature of Action:

This is an action for damages, specific performance, and injunctive relief premised on Plaintiff's claims for breach of contract, tortious interference with contract, misappropriation of trade secrets, and attorneys' fees.

F. Status of Settlement Negotiations to Date:

1. Have settlement negotiations been held? No
2. If yes:
☐ Only counsel participated.
☐ Parties as well as counsel participated.

¹ADR refers to Alternative Dispute Resolution.

3. What is the present status of negotiations?
None
4. If settlement negotiations have not been held, why not?
Defendant(s) have in the past and continue to breach agreements. Defendant(s) have been requested to cease and desist and have not stopped their actions.

G. Evaluation:

1. Could this dispute benefit from the use of some form of ADR?
 Yes X No
- a. Reason for choice (**must be completed**): Discovery must be completed. Until discovery is complete, an appropriate evaluation as to whether mediation is appropriate cannot be made.
- b. If yes, what form of ADR would best suit this case?
- | | |
|----------------------------------------------|-----------------------------------------------|
| <u> </u> Mediation | <u> </u> Early Neutral Evaluation |
| <u> </u> Advisory Arbitration | <u> </u> Moderated Settlement Conference |
| <u> </u> Mini-Trial | <u> </u> Summary Jury Trial |
| <u> </u> Judicial Settlement Conference | |
2. Describe any discovery you believe necessary to utilize ADR effectively:
Disclosures, written discovery and depositions.
3. Have you discussed ADR with other counsel and their clients?
 Yes X No
4. Will all parties agree to submit the case to ADR?
 Yes No X Unsure
- a. If yes, have the parties agreed to:
1. An ADR process?
 2. A provider?
 3. A tentative date for the ADR proceeding?

Failure to complete this form fully may result in sanctions pursuant to Fed.R.Civ.P.(16)f.

For further information on dispute resolution procedures contact the Clerk.